

89-4280

Supreme Court, U.S.

FILED

JUL 24 1989

JOSEPH F. SPANIOL, JR.

IN THE SUPREME COURT OF THE UNITED STATES OF AMERICA

OCTOBER TERM — 1989 -

UNITED STATES OF AMERICA - PLAINTIFF

PETITIONER IS DEFENDANT

VS

LEO M. MULLEN, M.D. DEFENDANT - - - - -

PETITIONER

CASE NUMBER - 81-00124-01-CR-W-6.

PETITIONER FOR WRIT OF CERTIORARI

TO THE

SUPREME COURT OF THE UNITED STATES

THRU THE 8th COURT OF APPEALS

1114 MARKET STREET

ST. LOUIS, MO. 63101

LEO M. MULLEN, M.D. PROSE

4443 PASEO BLVD. K.C., MO. 64110

PHONE 1 (816) 921-5411 OR

NITES - 1 (913) 362-2602.

BY

*Leo M. Mullen M.D.*

LEO M. MULLEN, M.D. PROSE

LAST ORDER OF THE 8th court is dated 4/24-1989.

25 pp



1. QUESTIONS PRESENTED FOR REVIEW

THE PETITIONER WAS INDICTED ON 12-9-1981

6 months the case was dismissed in full and the STATE OF MO. WHO WERE THE ONES involved in the original testimony before the grand jury for indictment have continued the case by filing again in the JACKSON COUNTY CIRCUIT COURT which resulted in another dismissal. THEN ROBERT NORTHCUTT and DAVID BRYDON, STATE OF MO. lawyers proceeded to cause the case to be heard by ADMINISTRATIVE HEARING COMMISSIONS and eventually this resulted in the revocation of the license of the defendant which is a violation of federal law as with the cases presented. THE case requires criminal prosecution of those who are breaking the federal law decision of MAY 28th, 1982. THE case ended with the dismissal since there was no appeal to the 8th court of appellant the time which is the only court with jurisdiction.

2. THE continued prosecution of the case after an agreement was reached with the court that the case would be completed and the court stated in JULY of 1982 that everything would be returned to the defendant but this has not happened. THE court is asked to go over this for criminal prosecution of those that are involved with breaking the federal law after the decision of MAY 1982.

3. THE STATE OF MO. has subsequently sent the case to NEBRASKA where the defendant is licensed and the STATE OF NEBR. is considering acknowledging the decision of MO.



1.     **QUESTIONS PRESENTED FOR REVIEW**  
          **THE PETITIONER WAS INDICTED ON 12-9-1981**  
          **(continued)**

4.     **THE COURT is asked for an immediate restraining order since.**
  1.   **THE defendant has prevailed in the courts.**
  2.   **THE defendant will suffer irreparable damage if no injunctive relief.**
  3.   **THE benefits of injunction will out weight harm to anyone else and**
  4.   **THE issuance of the injunction will not harm the public interest as the**  
          **time interval of about 8 years is way beyond any conceivable reason**  
          **for this action.**
5.     **THE contention of the STATES is that no factual determination was made**  
          **in the federal court means that jeopardy does not exist is erroneous and**  
          **injunction must be ordered.**
6.     **The lower courts erred in that 60-b-6 contracts for fraud.**

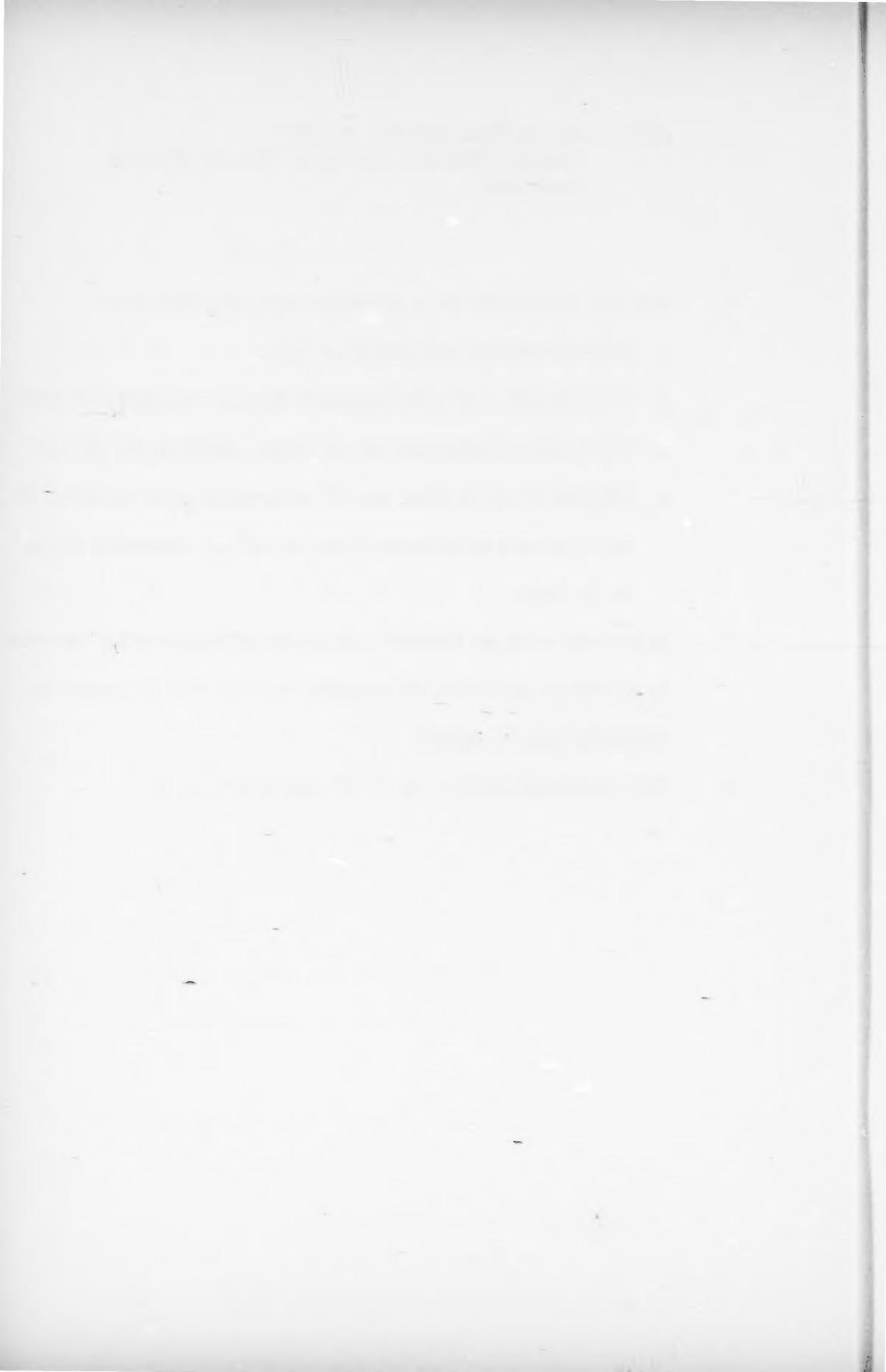
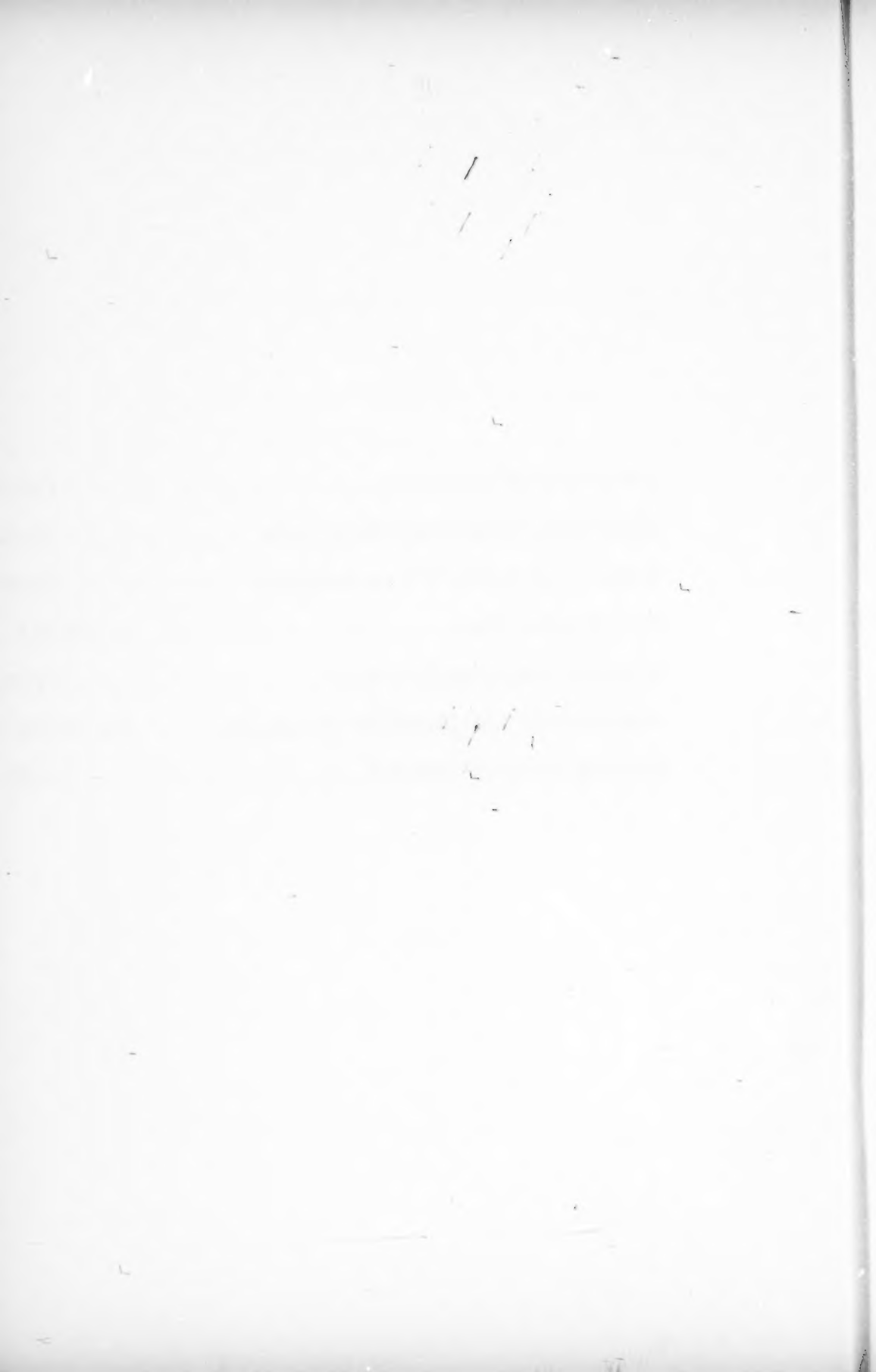


TABLE OF CONTENTS .....	PAGE 1.
QUESTIONS PRESENTED FOR REVIEW .....	PAGE 2.
TABLE OF AUTHORITIES and jurisdiction .....	PAGE 3.
PETITION FOR WRIT .....	PAGE 4. - 4.
REASONS FOR GRANTING WRIT .....	PAGE 4.
CONCLUSION AND OPINIONS with appendix .....	5-6-7-8-9-10-11.
CERTIFICATION OF SERVICE .....	PAGE 11.



## TABLE OF AUTHORITIES

1. ON 12-9-1981 THE DEFENDANT WAS INDICTED FOR DRUG VIOLATIONS AFTER MR. ROBERT NORTHCUTT AND DAVID BRYDEN MET WITH CAROL ANN PETREN AND BROUGHT THE MATTER BEFORE THE GRAND JURY WHERE AN INDICTMENT OF 9 COUNTS WAS ISSUED. THE STATE OF MO. FURNISHED ALL OF THE INFORMATION FOR THE INDICTMENT AND KNEW ALL THE FACTS AND KNEW THAT NO CASE EXISTED. HOWEVER, THE INDICTMENT WENT THROUGH AND CAROL ANN PETRENE TESTIFIED UNDER OATH BUT FAILED TO REVEAL SHE WAS THE WIFE OF JOHN E. MCKAY WHO HAD A \$455,000.00 JUDGMENT AGAINST DEFENDANT. IN ADDITION THE ORIGINAL TAPE OF THE FIRST OFFICE VISIT HAD BEEN CONFISCATED AND THE POSITION OF THE U.S. WAS SUCH THAT AFTER A FALSE PSYCHIATRIC REPORT FROM K.U. MEDICAL CTR. THE CASE WAS DISMISSED AT THE REQUEST OF THE U.S.
2. THE ORDER OF THE COURT ORDERED ALL OF THE DRUGS TAKEN AND ALSO THE RETURN OF THE NARCOTIC LICENSE TO THE DEFENDANT BUT THIS WAS VIOLATED IMMEDIATELY BY DAVID BRYDON WHO CALLED DEFENDANT AND THREATENED HIM WITH REMOVAL OF HIS LICENSE AND ALSO FILED FOR A TRO PENDING A PERMANENT INJUNCTION. THE FILING IN AUGUST OF 1982 AFTER THE DISMISSAL OF MAY 29th 1982 violated the CONSTITUTIONAL RIGHT UNDER THE



5th AND 14th AMENDMENTS TO THE CONSTITUTION.

3. WHEN THIS CASE HAD NO BASES R. NORHTCUTT HELD HEARINGS AND REFUSED TO RETURN THE DRUGS AND AFTER YRS. OF TRIALS BY HEARINGS IN 1987 ADVISED THAT NO NARCOTIC LICENSE RENEWAL WOULD BE FORTHCOMING AND THEN DAVID BRYDON CAME UP WITH ANOTHER LAWSUIT AND HAD STATE JUDGES MEET ON THE CASE AND REFUSED TO CONCUR WITH THE FEDERAL DISMISSAL OF MAY 28th, 1982. SUBSEQUENTLY THE BD. OF HEALING ARTS WHO HAD LOST THEIR ORIGINAL SUIT IN 1982 REVOKED MY LICENSE TO PRACTICE MEDICINE IN MO. ON 12-28-1987 AND BROKE THE LAW DOING IT. THUS UNDER CA-OHIO-1985 THE STATE CANNOT BE ALLOWED TO MAKE REPEATED ATTEMPTS TO PROSECUTE FOR AN OFFENSE WHICH SUBJECT MYSELF TO EMBARRASSMENT, EXPENSE, AND ORDEAL AND FAMILY PROBLEMS AND TO LIVE IN ANXIETY AND UNCERTAINTY SEE - - - - - USCA-CONST-A-5-MATTHEW VS MARSHAL-754-F-2ND, 158 CERT GRANTED, 105 S.CT. 2673 471 U.S.-1134--86-L. ED. 2ND 692. DOUBLE JEOPARDY.
4. NUMEROUS CASES EXIST WHICH HAVE BEEN OVERLOOKED BY THE U.S. ATTY IN THAT DOUBLE JEOPARY EXISTS SINCE SUCCESSIVE PROSECUTIONS ARE BANNED-U.S. 1985 ALABAMA- - BY THE 5TH AMENDMENT banning occurs if the offense for which defendant is prosecuted is exactly the same and nothing new has been found. Double Jeopardy occurs and since the case has been won by the defendant and there is irreparable damage.



## TABLE OF AUTHORITIES CONTINUED

IRREPARABLE DAMAGE. A RESTRAINING ORDER OR  
PERMANENT INJUNCTION IS INDICATED. SE USCA-AMEND-  
5- HEATH VS ALABAMA-1-6-S.CT. 433 TO 474 U.S. 82 -88-

L. ED. 2ND, 387. ALSO SEE

1. CA-KY-1984-USA CONST-5-JONES VS HOGGO-722 F 2ND 53. (715.
2. U.S. CONST-5 WHALEN VS U.S. 100 S. CT. 1432-445 NS684-63LEDEND.
3. CA-GEORGIA 1984-ALBERT VS MONTGOMERY-722 F-2ND-865.
4. CA-7-ILL-1986-U.S. CONST-5-U.S.VS ALLEN 798 F-2ND-1985.
5. CA-7-ILL-1986-U.S. CA CONST-5-U.S. VS PAITERSON-782-F2ND-1968.
6. CA-TEXAS-1987--DOUBLE JEOPARDY IS FOUND-U.S. CONST AM 5 FRANSON VS LYNAUGH-810-F-2ND 518 dert DENIED-107-S.CT. 3237.
7. CA-1982-U.S. 829-74-L.ED.2ND 67. ON REMAND-558 SUP. 1324 AF-FIRMED 727-F-2ND, 687.

THE U.S. ANSWER IS TOTALLY DEFICIENT IN THAT OLD CASES  
WHICH DO NO APPLY WE WERE USED. DEFENDANT IS  
ENTITLED TO HAVE THE ORDER FOR TRO OR PERMANENT AS  
THE harassment has continued unabated for more than 7 yrs. and THE  
infractions are recent and have not expired as is suggested by the U.S.  
ATTY. THE ATTITUDE OF THE U.S. ATTY IS THAT HE WOULD  
LIKE TO KEEP AND STEAL THE DRUGS IN HIS POSSESSION  
BECAUSE OF THE FACT THAT THE STATE HAS CONTINUED THE  
SEPARATE FILINGS IN VIOLATION OF THE CONSTITUTION  
RIGHTS IN THE 5TH AND 14TH AMENDMENT which is THE BASIS



OF THE BILL OF RIGHTS OF ANY INDIVIDUAL.

5. UNDER THE ORDER FOR DISMISSAL RULE 48-A THE INDICTMENT WAS FOREVER DISMISSED SINCE NO APPEAL OCCURRED AND THE STATE HAS NO JURISDICTION UNLESS AN APPEAL WAS FILED IN THE 8TH COURT OF APPEALS. THE CASE NORTH CAROLINA VS PEARCE HAS NO PLACE HEREIN AS IT IS AN ENTIRELY DIFFERENT CASE. THE 5TH AM.

GUARANTEE against double jeopardy applies here and it is enforceable BY THE U.S. COURT AGAINST THE STATES BY THE 14TH AMENDMENT SEE BENTON VS MARYLAND, PAGE 784. or pages 717 to 719 DOUBLE JEOPARDY DOES EXIST BUT U.S. HAS NOT REVEALED TO THE COURT PROPERLY. DATAPHASE SYSTEMS IS AN 8TH CIR CASE OF 1981. THE DEFENDANT HAS WON HIS CASE SO THERE IS NO CONTROVERSY OVER ANY TRO OR PERMANENT INJUNCTION AS OUTLINED IN THE RECENT CASE IN FLORIDA WHERE ALL OF THE PROBLEMS INVOLVED FOR THE ISSUANCE OF A PERMANENT INJUNCTION WERE ELABORATED ON AND, OF COURSE THERE CAN BE QUESTION OF IRREPARABLE DAMAGE SINCE THE DEFENDANT HAS BEEN IN DOUBLE JEOPARDY FOR ABOUT 7 YRS.=THE FILING OF THE U.S. MUST BE DENIED AS ANY REFERENCE TO SOMETHING OUT DATED IN ANOTHER CASE DOES NOT APPLY AND INJUNCTION IS NEEDED.

DAMAGES AND CRIMINAL CHARGES ARE INDICATED SO THAT THIS WILL NOT HAPPEN.

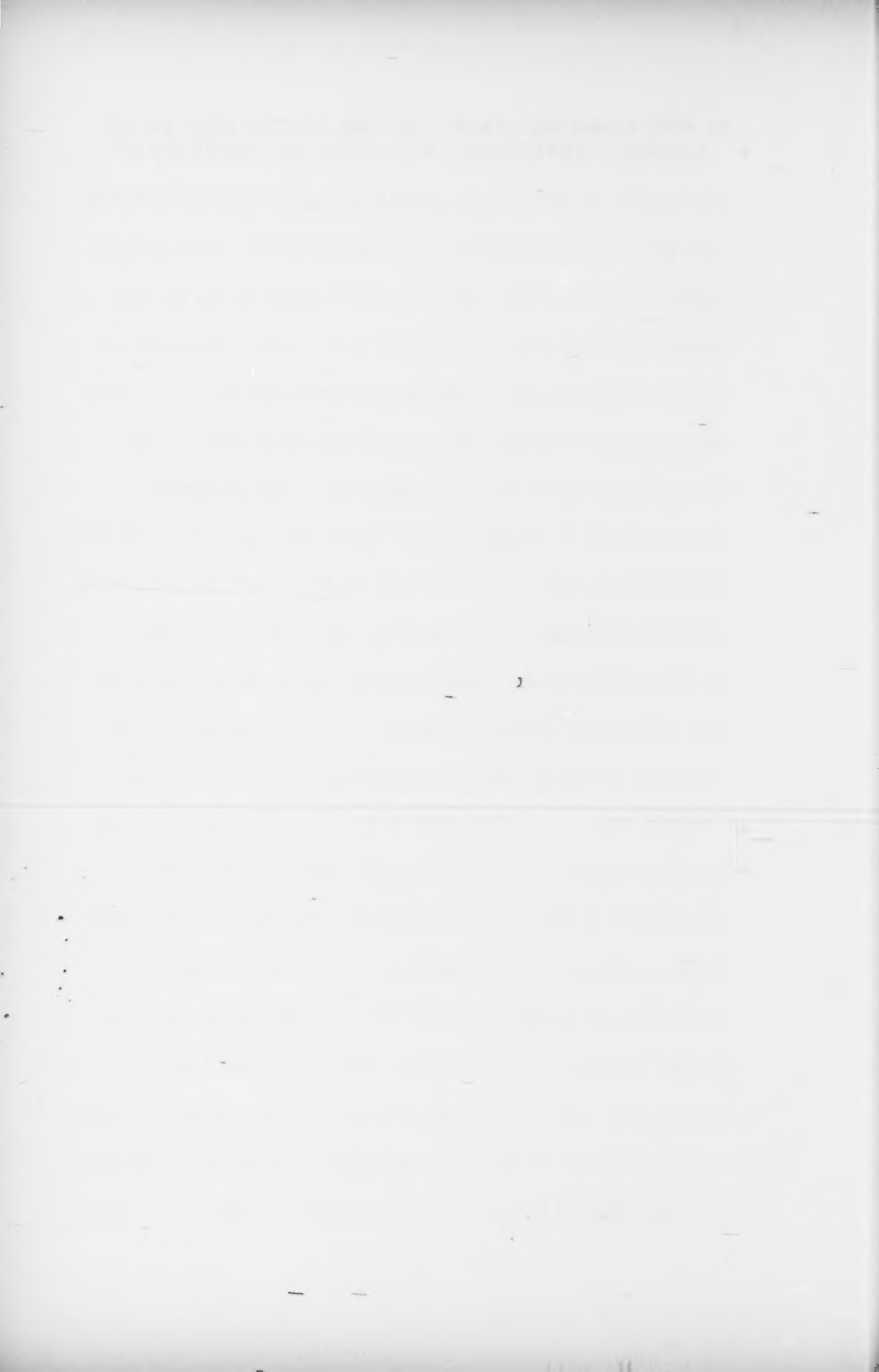
RESPECTFULLY SUBMITTED,

*J. M. Muller*



**IN THE SUPREME COURT OF THE UNITED STATES OF  
AMERICA APPETITION FOR WRIT OF CERTIORARI**

THE STATE OF MO. in NOV. of 1981 came to KANSAS CITY WITH  
LAWYERS ROBERT NORTHCUTT and DAVID BRYDON and with  
CAROL ANN PERTREN ASST U.S. ATTY decided to take the case  
before the GRAND JURY FOR INDICTMENT which was secured on  
12-9-81. THE case went into trouble because the tape of the first office  
visit was not as favorable to the prosecution as was needed so it was  
destroyed and a witness to the fact was going to testify against the  
prosecution. ALSO the plaintiff was found to have had severe HI BLOOD  
PRESSURE and the examiners who did the physicals on the said LEO M.  
MULLEN found that his impairment was due to LO-PRESSURE taken for  
the HI BLOOD pressure. After numerous hearings the case was taken  
over by ROBERT ULRICH the then U.S. ATTY for the WESTERN  
DISTRICT and he dismissed the case through his asst THOMAS M.  
LARSEN who is acting U.S. ATTY at this time. THE STATE OF MO.  
by virtue of their failure to appeal agreed to this but then filed suit in the  
JACKSON COUNTY CIRCUIT COURT and lost that case also. THEN  
the hearing began with false testimony presented and no court decision  
was reached but the BD. OF HEALTH for MO revoked my license to  
practice medicine in DECEMBER of 1987 which is now more than 8 yrs  
and they have now transferred the case to NEBR. for a disciplinary action  
by the STATE OF NEBR. who is also unable to go into the case properly  
because of the case being in MO. THE defendant is suffering from having



no livelihood and also as outlined in the numerous case from DOUBLE JEOPARDY which is actually triple jeopardy at this time.

THE defendant contends that the STATE OF MO, and also the STATE of NEBRASKA are bound by the FEDERAL COURT DECISION WHICH IS THE FEDERAL COURT law in MATTHEW vs MARSHAL - 754 F 2nd 158 - CERT was granted, 105 S.CT. 2673-471 U.S. 1134 86-L. ED. 2nd 692- DOUBLE JEOPARDY decided.

THE 8th court of appeals has erred in this case from the beginning because they have attempted to uphold the state action and this cannot be.

WHEREFORE the defendant requests injunction as outlined and the case set for hearing if needed.

Respectfully submitted,



LEO M. MULLEN, M.D.



IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN  
DISTRICT OF MISSOURI WESTERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

No. 81-00124-01-cr-w-6

LEO M. MULLEN, M.D.,

Defendant.

ORDER FOR DISMISSAL

Pursuant to Rule 48 (a) of the Federal Rules of Criminal Procedure and  
by leave of court endorsed hereon, the United States Attorney for the  
Western District of Missouri hereby dismisses the indictment filed  
December 9, 1981, against Leo M. Mullen, M.D., defendant.

ROBERT G. ULRICH  
United States Attorney

By

Thomas Larson

*for*  
CAROL ANN PETREN  
Assistant United States Attorney

Leave of court is granted for the filing of the foregoing dismissal.

John - Howard Sachs SJ

Date: May 28 82



**IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN  
DISTRICT OF MISSOURI WESTERN DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

No. 81-00124-01-cr-w-6

LEO M. MULLEN, M.D.,

Defendant.

**ORDER**

The indictment against the defendant in the above-captioned cause has been dismissed, and criminal proceedings against him under that indictment therefore terminated. However, several motions of defendant are pending before the Court.

The issues raised in the motions may be summarized as: 1) requests for release of psychiatrist and/or psychologist reports prepared regarding defendant while this case was pending; 2) a request for expungement of the record; 3) payment by the government of the bill for services rendered by or connected with the report of Drs. Olmo and McKnelly; 4) "finalizing" the case by return of items and documents seized pursuant to warrant; and, 5) money damages claimed as a result of various aspects of the criminal proceeding. The Court's continuing jurisdiction over some or all of these matters may be in some doubt.

The United States Attorney is not in possession of the psychiatric and psychological reports requested. However, in the event defendant would



have difficulty obtaining copies of those reports from the persons who prepared them, the Court has no objection of their being released to defendant if there is no medical or professional objection to such release. The government has agreed to return all items seized upon execution by defendant of a receipt. This has already taken place or could be arranged in the very near future, and the request for a receipt from defendant is a reasonable condition of returning the items. Therefore, this portion of defendant's motion will be denied as moot on the basis that the government will voluntarily return all items in exchange for a receipt for the items from defendant.

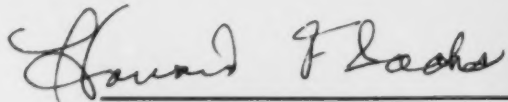
7-20-80

Hon. Judge Howard Sachs



ORDERED that defendant's request for return of all items and documents seized is denied as moot on the basis of the government's agreement to voluntarily return such items upon execution of receipt by defendant.

ORDERED that all other request and motions of defendant pending on this date are denied.



---

HOWARD F. SACHS  
UNITED STATES DISTRICT  
JUDGE

DATED: July 21st, 1982.



IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN  
DISTRICT OF MISSOURI, WESTERN DIVISION

UNITED STATES OF AMERICA,

PLAINTIFF,

CASE NUMBER

VS.

81-00124-01-CR-W6

LEO M. MULLEN, M.D.,

DEFENDANT

NOTICE OF APPEAL OF THE LAST ORDER OF THE COURT  
DATED 11-9-1988. THE COURT HASERRED AND THE ORDER  
USING THE REASONS GIVEN IS FALSE AND THE 8th COURT OF  
APPEALS IS ASKED TO STEP IN AND SHOW THAT JUSTICE CAN  
HE OBTAINED THRU THE COURT SYSTEM. THE JUDGE HAS NO  
PERFORMED HIS JUDICIAL FUNCTION SEE BULLOCH. vs U.S.  
NO-82 2245 AND 82-2352. THE CONDUCT OF THOSE INVOLVED  
IS DISHONEST SINCE THE SUBSEQUENT ACTIONS CONSTITUTES  
FRAUD ON THE COURT. SEE 536, F-2nd, 1135 --- (6th CIR)  
PORTER vs GOODYEAR RUBBER AND TIRE CO.

THE ACTIONS OF THE PARTICIPANTS CONSTITUTES  
DOUBLE EOPARDY WHICH violates the CONSTITUTIONAL RIGHTS  
OF THE DEFENDANT AND THE FILINGS OF THE DEFENDANT  
HAVE NOT BEEN EXAMINED AT ALL BY THE HON JUDGE. THE  
CASE WHERE FRAUD EXISTS IS NOT LIMITED BY TIME SINCE  
THE ACTIVITY OF THE WESTERN DISTRICT U.S. ATTY IN HIS

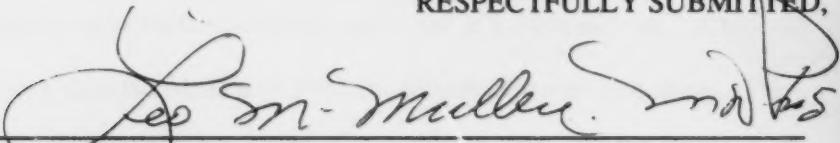
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DEFENSE OF THE ACTIVITY OF THE STATE OF MO. LAWYERS  
ROBERT NORTHCUTT AND DAVID BRYDON CONSTITUTES  
FRAUD ON THE COURT SINCE ALL LAWYERS ARE OFFICERS OF  
THE COURT AND HAVE PROMULGATED THIS CASE WHEN IT  
WAS OVER IN 1982 EXCEPT FOR APPEAL TO THE 8th COURT OF  
APPEALS. AN ADMINISTRATIVE BODY HAS NO JURISDICTION  
OVER ANY FEDERAL COURT DECISION

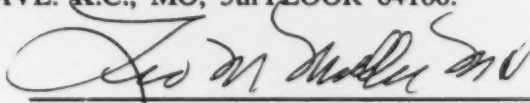
WHEREFORE THE DECISION OF NOVEMBER 9th, 1988  
SHOULD BE REVERSED AND ACTION TAKEN UNDER THE  
ORIGINAL MOTION FILED BY THE DEFENDANT

RESPECTFULLY SUBMITTED,

  
\_\_\_\_\_  
LEO M. MULLEN, M.D. 4443 PASEO BLVD. K.C., MO. 64110  
1- (816) 921-5412.

CERTIFICATION OF SERVICE

COPIES PREPAID THIS DATE OF DECEMBER 5th, 1988 TO THE  
COURT AT 811 GRAND AVE. AND TO THE U.S. ATTY. 811  
GRAND AVE. K.C., MO, 5th FLOOR 64106.

  
\_\_\_\_\_  
LEO M. MULLEN, M.D.



**United States Court of Appeals**  
**FOR THE EIGHT CIRCUIT**

No. 88-2820

United States of America,

81-00124-01-CR-W-6

Appellee,

Appeal from the United States  
District Court for the  
Western District of Missouri.

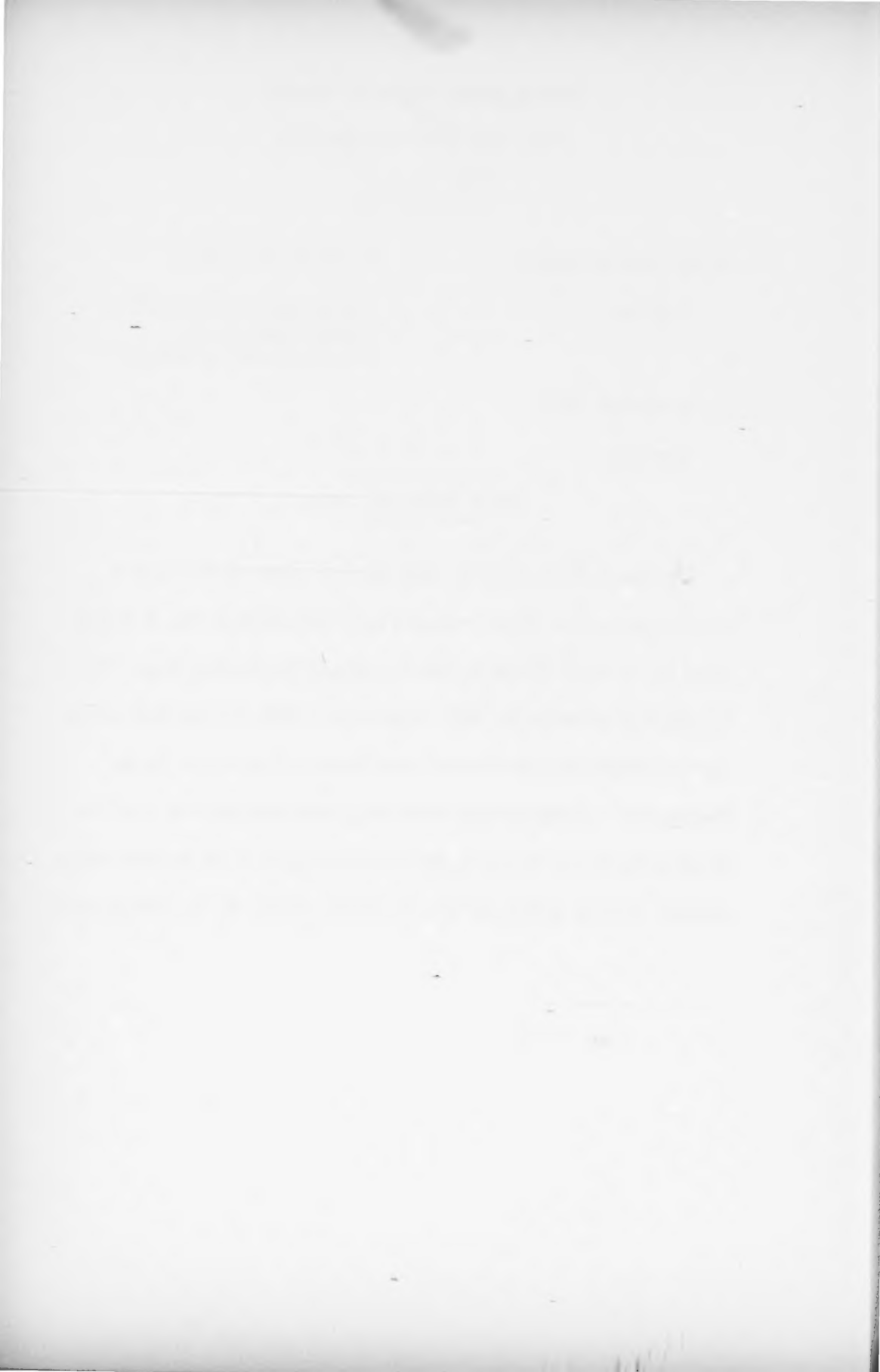
v.

Leo M. Mullen, M.D.,

Appellant.

Filed: March 15, 1989

Dr. Leo M. Mullen appeals from the order of the district court 1 denying his motions for postjudgment relief in a criminal case. A federal grand jury indicted Mullen in 1981 for illegally distributing drugs. The charges were dismissed in 1982. In September 1988, Mullen filed various motions alleging that the Missouri State Board of Registration for the Healing Arts violated his rights under the Constitution and federal law by revoking his license to practice medicine in disregard of the dismissal of the charges. Relying on Federal Rule of Civil Procedure 60 (b), Mullen asked



the court to initiate a criminal action and civil contempt proceedings against the Board, and to award damages and unspecified injunctive relief. The court determined that Rule 60 (b), was inapplicable to the long-dismissed criminal proceedings, and denied Mullen's motions as without merit.

Howard F. Sachs D I

1The Honorable Howard F. Sachs, United States District Judge for the Western District of Missouri.



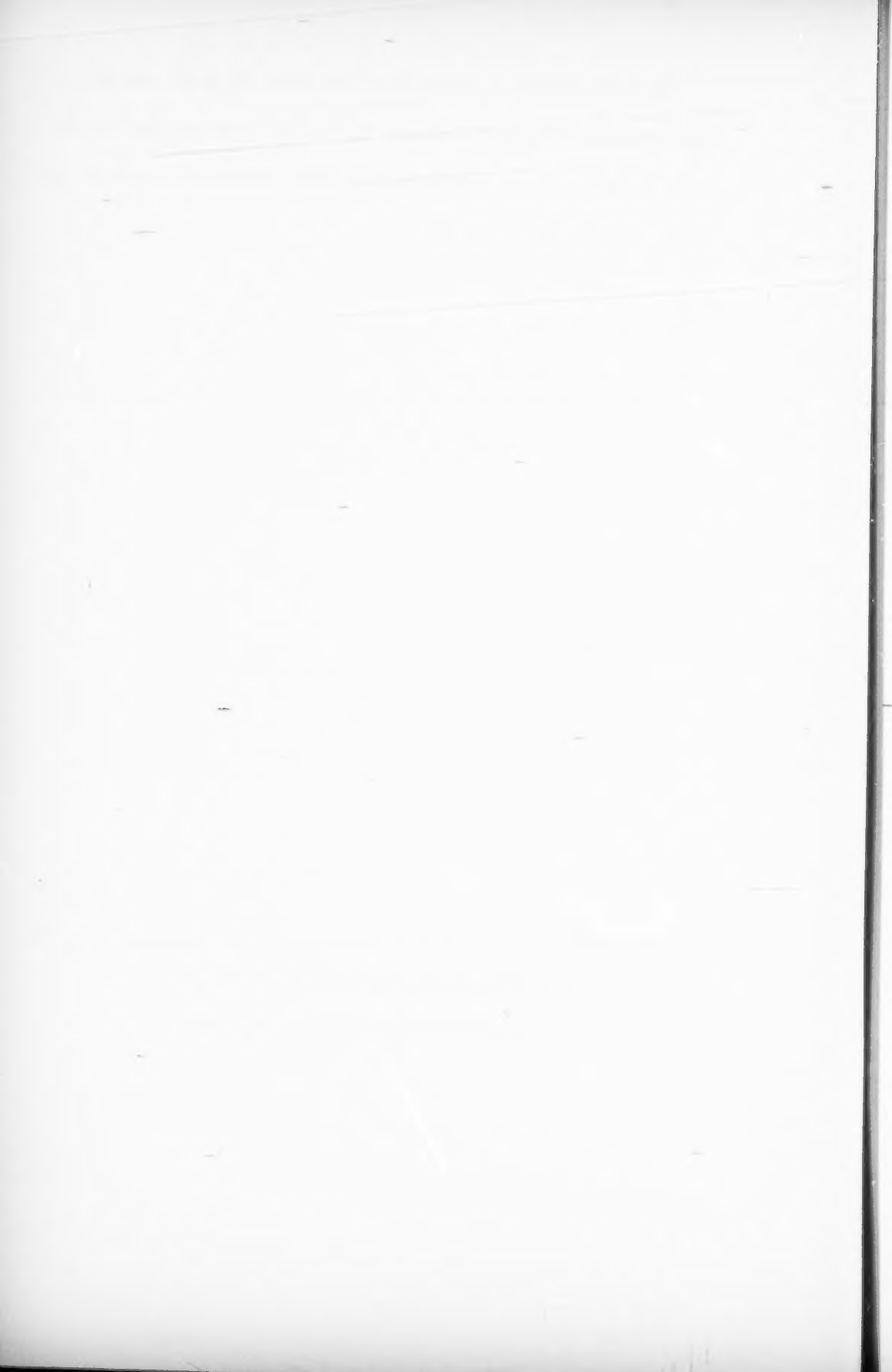
We have carefully reviewed the district court file in this case and have determined that further consideration of the issues presented by this appeal is not necessary. finding no error in the district court's action, we affirm. See 8th Cir. R. 12 (a).

A True Copy.

ATTEST: \_\_\_\_\_

Clerk, U.S. Court of Appeals, Eight Circuit

MANDATE ISSUED: MAY 2, 1989



**United States Court of Appeals  
FOR THE EIGHT CIRCUIT**

No. 88-2820

United States of America,

Appellee,

Appeal from the United States  
District Court for the  
Western District of Missouri

vs.

Leo M. Mullen, M.D.,

Appellant.

The suggestion for rehearing en banc has been considered by the court and is denied by reason of the lack of majority of active judges voting to rehear the case en banc. The petition for rehearing is also ordered denied.

April 24, 1989

Ordered Entered at the Direction of the Court:

---

Clerk, U.S. Court of Appeals, Eight Circuit.



STATE OF MISSOURI  
SS.  
COUNTY OF JACKSON

PETER J. KOPPE, of legal age, being first duly sworn, states that on or about Saturday, December 5, 1988, he was at the Holiday Inn, Jefferson City, Missouri, for a hearing regarding Dr. Leo M. Mullen's hearing before the State Board of Registration for the Healing Arts.

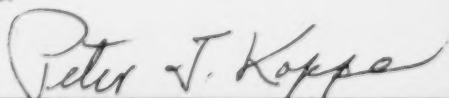
That said meeting was scheduled for 9 A.M. but at that hour it was made clear by an unnamed representative of the Board that the Board was in "private" session, a session which did not break up until after 10:30 A.M.

Immediately after the "private" session concluded, the Board moved down the hall to a much larger room, for its meeting, and we later summoned there.

After being introduced to the Board members who were sitting around the room in a square of sorts, we were accorded a brief hearing, and we were ushered out again the Board went into "private" session. Before being taken out, we were told the Board would deliberate and inform us of their decision.

No one else in the room left when we were told to leave, yet none of them appeared to be board members.

Further, affiant sayeth not.



PETER J. KOPPE

Sworn to and subscribed to, before me, on this the



**BEFORE THE DIRECTOR OF HEALTH OF  
THE STATE OF NEBRASKA**

STATE OF NEBRASKA, ex rel.,

Plaintiff,

ORDER ON MOTION TO DISMISS

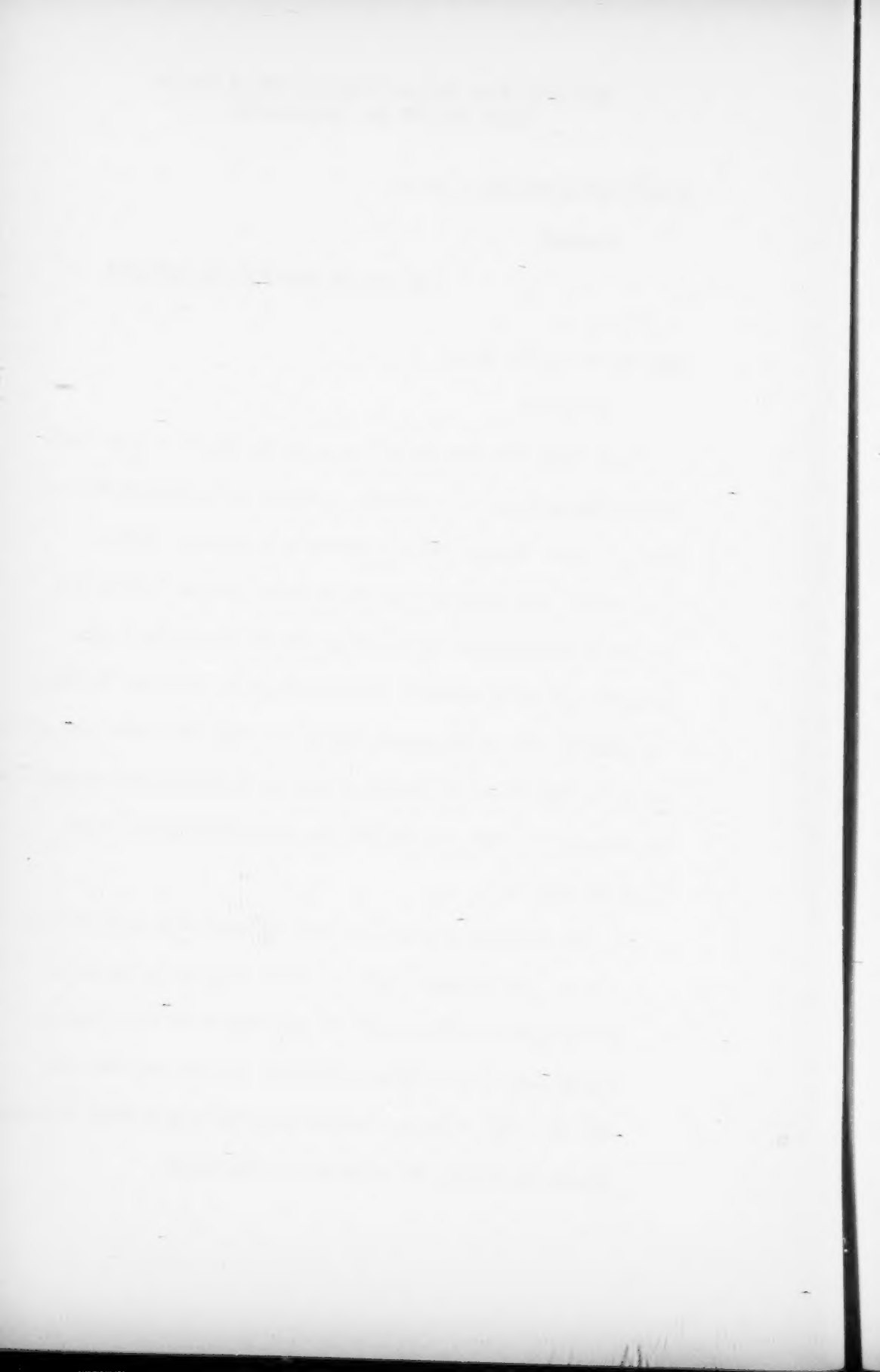
vs.

LEO M. MULLEN, M.D.

Defendant.

THIS MATTER came on for hearing on the 6th day of July, 1989, on the defendant's motion to dismiss, contained in his pleading filed on May 15, 1989. The plaintiff was present by its attorney, Delores Coe-Barbee. The defendant was present pro se. Samuel Van Pelt was present as the designated hearing officer and the proceedings were recorded by Joyce Hasselbach of General Reporting Services. Evidence was adduced, the motion argued, and certain legal authorities were submitted by the defendant. The hearing officer has made his recommendation to the Director of Health, and the Director, being fully advised in the premises finds that:

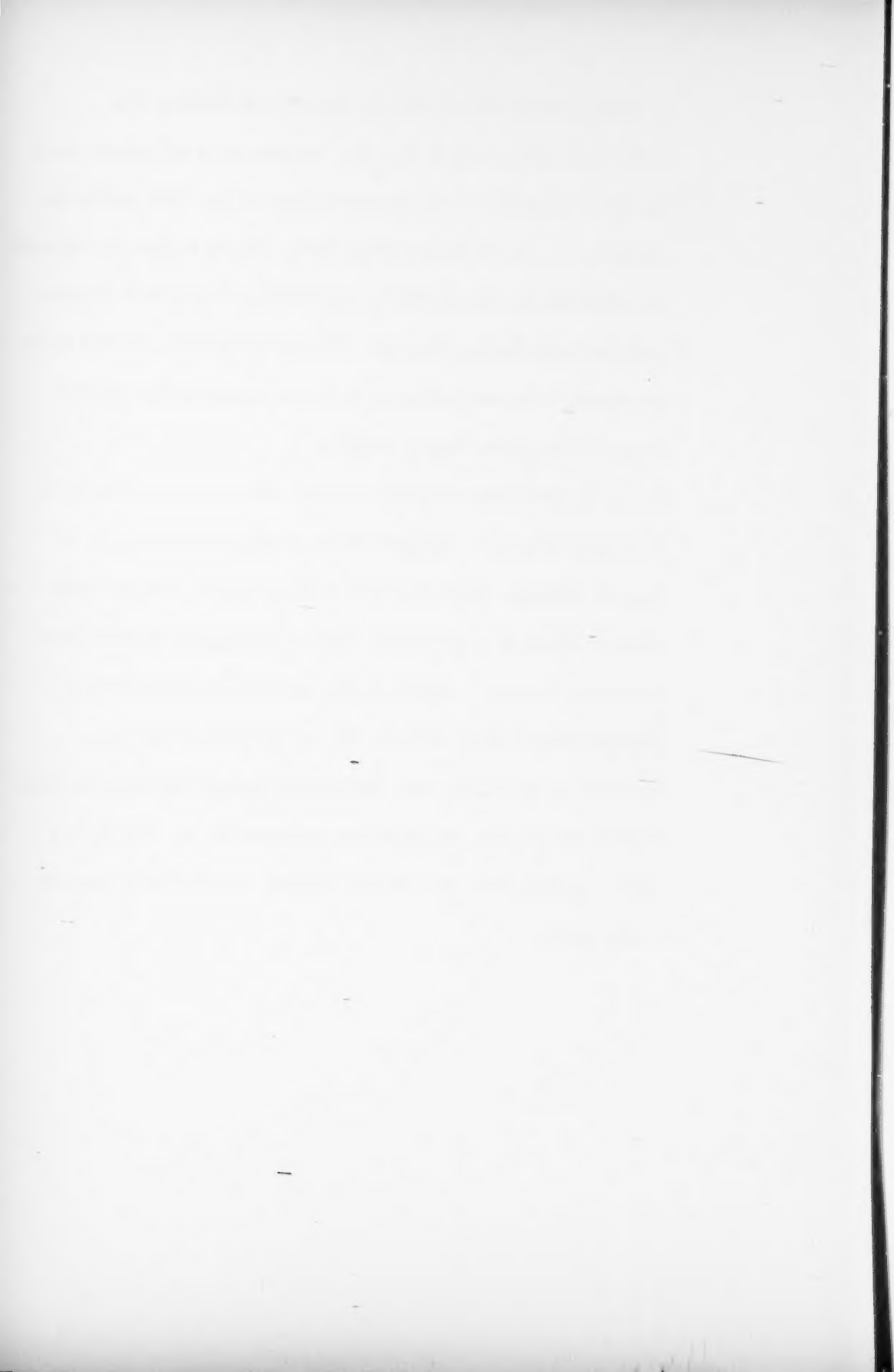
1. The defendant offered six exhibits and testified in support of his motion. The substance of the defendant's evidence is that certain proceedings were filed against the defendant in the United States District Court for the District of Kansas, in 1981 and 1982. On May 28, 1982, at the recommendation of the United States Attorney, Thomas M. Larson, the indictment was dismissed.



2. Subsequent thereto the Missouri Board of the Healing Arts terminated a proceeding against the defendant in the defendant's favor. However, thereafter certain disciplinary action was taken against the defendant, in that the Board of Registration for the Health Arts revoked the defendant's license #23093 as a physician and surgeon to practice medicine in the State of Missouri. This action followed a finding by the administrative Hearing commission that the defendant had violated certain statutes of the State of Missouri.

3. It is the defendant's contention that the above-mentioned action by the State of Missouri, together with the pending proceedings in the State of Nebraska constitute double jeopardy and res judicata based upon the dismissal of the federal criminal indictment Defendant thus argues that the only recourse would be an appeal from the Federal District Court of Missouri to the 8th Circuit Court of Appeals.

However, in the instant case, there was no factual determination made in the Federal Court, and there is no evidence that any hearing was held, witnesses called or evidence received, at which time jeopardy would attach.



4. The present case involves the defendant's license to practice medicine in the State of Nebraska, and is separate and distinct from a criminal action in another jurisdiction. Consequently, his arguments respecting double jeopardy and res judicata do apply. The matter must be decided by the Director of Health after a full and complete evidentiary hearing which all relevant evidence is taken into consideration.

IT IS THEREFORE ORDERED by the Director of Health that the defendant's motion to dismiss be and the same is overruled, and the matter proceed to hearing on August 8, 1989, commencing at 2:30 p.m.

DATED this \_\_\_\_\_ day of July, 1989.

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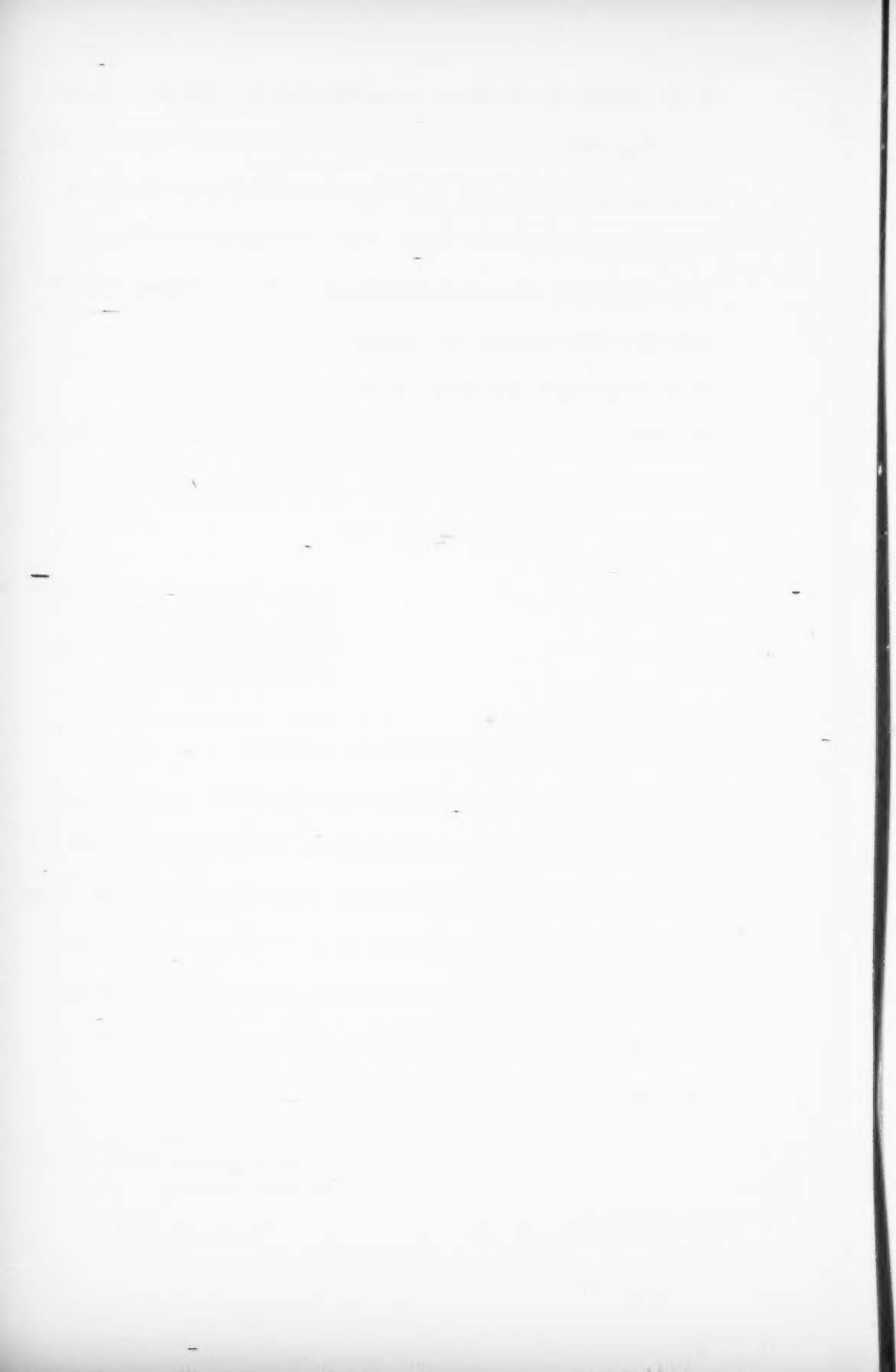
Gregg P. Wright, M.D., M.Ed.  
Director of Health  
DEPARTMENT OF HEALTH  
STATE OF NEBRASKA

-----  
CERTIFICATE OF SERVICE

COMES NOW the undersigned and certifies that on the \_\_\_\_\_ day of July, 1989, a copy of the foregoing ORDER ON MOTION TO DISMISS was sent by certified United States mail, sufficient postage prepaid, return receipt requested, to Leo M. Mullen, M.D., 4443 Paseo Blvd., Kansas City, Missouri 64110 and by interagency mail to Delores Coe-Barbee, Assistant Attorney General, 2115 State Capital Building, Lincoln, Nebraska.

---

Gregg F. Wright, M.D., M.Ed.  
Director of Health



PARTIES TO THE PROCEEDINGS AND CERTIFICATION OF SERVICE

THIS 22nd day of JULY, 1989. and conclusion

THE parties are the DISTRICT COURT at 811 GRAND AVE.

KANSAS CITY which is the office of the U.S. ATTY FOR WESTERN  
DISTRICT OF MO. CASE=81-00124-CR-W-6.

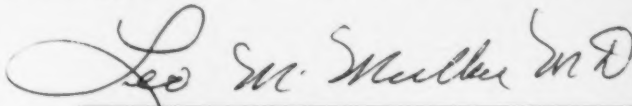
THE 8th court of APPEALS in St. LOUIS, MO. and

the defendant LEO M. MULLEN, M.D.

4443 PASEO BLVD., K.C., MO. 64110.

CONCLUSION - - - THIS case represents a criminal case because there  
is a violation of the federal edict dated MAY 28th 1982 and also another  
order JULY 21st 1982 which outlines that an agreement was reached to  
return certain drugs taken and all papers. Due to the breaking of the law  
there has been no return of property and also the states of MO and  
NEBRASKA are trying to take over a case which was decided by the  
federal court and this is a criminal act.

Copies sent prepaid to the SUPREME COURT in WASHINGTON  
D.C. on July 22nd, 1989 and also copies to the U.S. ATTY at 811 GRAND  
AVE. and to the 8th court of appeals in ST. LOUIS, MO and Solicitor  
General.



LEO M. MULLEN, M.D.

4443 PASEO BLVD., K.C., MO 64110

1 - (816) 921-5411 and nights

1 - (913) 362-2602.